



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Agent File No.: 13967-4us PTN/df

In re application of:

Fernand CAREAU et al.

For: DRIVE ROLLER CONTROL FOR TORIC-DRIVE
TRANSMISSION

Filed: September 5, 2003

Serial No.: 10/654,894

Examiner: William C. Joyce

Group Art Unit: 3682

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
Mail Stop: AMENDMENT
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Sir:

Submitted herewith on a PTO/SB/08A/B form is a listing of the documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 C.F.R. § 1.56. A copy of the listed documents is also being submitted herewith to comply with the provisions of 37 C.F.R. § 1.98.

The submission of any document which is not a statutory bar is not intended as an admission that such document constitutes prior art against the claims of the present application. Applicants do not waive any rights to take any action that would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior-art reference against the claims of the present application.

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Commissioner for Patents

DISCUSSION

The set of slides entitled "*Variateur toroïdal*" were presented at an engineering competition in Québec City, Canada, during the week of January 20-27, 2000 and at an engineering design competition in Waterloo, Canada in March 2000. No paper copies of the slides were given to the participants. Therefore, it is respectfully submitted that the slides are not citable under any section of 35 U.S.C. § 102.

The set of slides entitled "*Conception d'un groupe motopropulseur monobloc intégrant une C.V.T. toroïdale – Mini Baja 2000*" were presented to a jury of a few students and professors on December 16, 1999 during an engineering course. No paper copies of the slides were handed out. It is respectfully submitted that the slides are not citable under any section of 35 U.S.C. §102.

More specifically, both sets of slides entitled "*Variateur toroïdal*" and "*Conception d'un groupe motopropulseur monobloc intégrant une C.V.T. toroïdale – Mini Baja 2000*" are not citable under 35 U.S.C. §102(a), as they do not constitute a "printed publication" "by others" "before the invention thereof by the applicant for patent." These slides do not constitute prior art under 35 U.S.C. §102(b), as they are none of "a printed publication", "in public use," or "on sale" in the United States.

The video presentation entitled "*toric.avi*" was created by student Marc Fournier of Ecole de Technologie Supérieure, and was presented to laboratory teacher Dominic Soucy in August 2000, as a project in a video simulation course. The creator Fournier was taught by the Applicant the operation of the transmission described in the video presentation. No paper copies of the video presentation were handed out. It is respectfully submitted that the video presentation is not citable under any section of 35 U.S.C. §102.

More specifically, the video presentation entitled "*toric.avi*" is not citable under 35 U.S.C. §102(a), as it does not predate the date of invention as the creator was guided by the Applicant on the operation of the transmission described in the video presentation. Moreover, it does not constitute any of a "printed publication" "by others" "before the invention thereof by the applicant for patent", or "known or used by others" in the United States. The video presentation does not constitute prior art under

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35 U.S.C. §102(b), as it is none of "*a printed publication*", "*in public use*," or "*on sale*" in the United States.

As the sets of slides and the video presentation are not considered prior art under 35 U.S.C. §102, the Applicants have not deemed it necessary to have the relevant slides translated. However, should it be required by the Examiner, the Applicants will supply a translation of relevant slides or a relevant presentation excerpt.

Should the Examiner have any questions after reviewing this Information Disclosure Statement, he is cordially invited to telephone the undersigned agent.

STATEMENT OF RELEVANCE

The listed reference(s) is(are) being reported either in compliance with 37 C.F.R. § 1.97(c), before the mailing date of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application.

A Petition under 37 C.F.R. § 1.91(a)(3) for Submission of Exhibit in respect of the video simulation entitled "*toric.avi*" is enclosed with this Information Disclosure Statement.

The Commissioner is hereby authorized to charge as per 37 C.F.R. § 1.97(c) the amount of \$180.00 to cover the 1.17(p) fee to Deposit Account No. 19-5113.

Respectfully submitted,
Fernand CARÉAU et al.

By

November 16, 2006

(Date)

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Encl.

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Substitute for form 1449PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/654,894
				Filing Date	September 5, 2003
				First Named Inventor	Fernand CAREAU
				Art Unit	3682
				Examiner Name	William C. Joyce
Sheet	1	of	2	Attorney Docket Number	13967-4us PTN/df

[illegible][illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04 ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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Sheet	2	of	2	Attorney Docket Number	13967-4us PTN/df

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Careau, Fernand, and Maltais, Hugues, <i>Variateur toroïdal</i> , slide show presented at an engineering competition in Québec City, Canada, Jan. 20-27, 2000, and in an engineering competition in Waterloo, Canada, in March 2000.	
		Careau, Fernand, <i>Conception d'un groupe motopropulseur monobloc intégrant une C.V.T. toroïdale – Mini Baja 2000</i> , presented during an engineering course on December 16, 1999.	
		Fournier, Marc, <i>toric.avi</i> , video presentation, presented to a laboratory teacher in August 2000 as a project in a video simulation course.	

Examiner Signature		Date Considered	
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*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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